

NOTE:

The allegations and decision in this case fall under old rules. It has been classified under the most relevant of the current code sections and subsections.

IOWA BOARD OF EDUCATIONAL EXAMINERS

ELLYN WRZESKI, Superintendent,)	
PERRY COMMUNITY)	Case No. 00-20
SCHOOL DISTRICT,)	License No. 304891
)	
Complainant,)	
and)	
)	
RUSTY GRONEWOLD,)	Final Order
)	
Respondent.)	

The action was initiated by the filing of a Complaint by the Perry Community School District acting through Superintendent Ellyn Wrzeski. The Complaint was based upon the Respondent's conviction on three counts of sexual abuse in the third degree, in violation of Iowa Code section 709.4(2)(c)(4). Following investigation confirming the convictions, the Board found probable cause and set the matter for hearing. The hearing was continued at the request of both parties pending completion of the Respondent's appeal from the criminal convictions. On January 9, 2002, the Iowa Court of Appeals issued a decision affirming the criminal convictions. State v. Gronewold, No. 1-538 / 001481 (Iowa Ct. App. 1/7/02). The Respondent's subsequent application for further review was denied by the Iowa Supreme Court.

This matter now comes before the Board of Educational Examiners upon submission of an agreement from the Respondent to "accept whatever sanction the Board of Educational Examiners chooses to impose." An August 2002 letter from the Respondent to the Executive Director of the Board includes the following waiver and agreement:

While I continue to assert my innocence both to the felony charges and the Agency rules stated above, Iowa Code § 272.6 and 272.2(14) authorize the Board to revoke a license solely on the basis and recency of the felony conviction.

Therefore, in accord with Agency rule 11.4(6), rather than go to hearing in a futile cause, I now freely waive further rights that I may have to appear before the BEE and agree to accept whatever sanction the Board of Educational Examiners chooses to impose. . . . I simply ask whatever sanction the Board of Educational Examiners

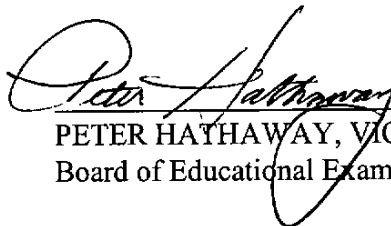
chooses to impose, that in the event it is proven that I was mistakenly convicted of a crime I did not commit, that the Board will reopen my case and consider my case in the light of the proven mistake.

Iowa Code section 272.2(14), as amended by 2002 Iowa Acts (79th G.A.), ch. 138 [S.F. 2258], § 1, requires the Board to revoke the license of a practitioner who has been convicted of third degree sexual abuse committed on or with a person who is under the age of eighteen years. Iowa Code § 272.2(14)(b)(1)(b)(i).

Order

It is therefore the Order of the Board that teaching license number 304891, issued to Rusty Allen Gronewold, is **REVOKED**, with no possibility of reinstatement as long as his criminal conviction remains in place. In the event that the conviction is reversed as the result of some future judicial proceeding, Mr. Gronewold may apply to the Board for reinstatement of his license pursuant to the terms of Board rule 282 I.A.C. 11.34.

Dated this 6th day of September, 2002.



PETER HATHAWAY, VICE-CHAIRPERSON
Board of Educational Examiners